

AMENDED IN ASSEMBLY AUGUST 7, 2002

AMENDED IN ASSEMBLY JUNE 24, 2002

AMENDED IN SENATE JUNE 5, 2002

AMENDED IN SENATE MAY 20, 2002

AMENDED IN SENATE APRIL 30, 2002

AMENDED IN SENATE APRIL 8, 2002

**SENATE BILL**

**No. 1468**

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**Introduced by Senator Knight  
(Coauthor: Senator Alpert)**

February 19, 2002

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An act to amend Sections 65040.2, 65302, 65302.3, 65560, ~~and 65583–65583~~, *and 65584* of, and to add Section 65040.9 to, the Government Code, and to amend Section 21675 of the Public Utilities Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1468, as amended, Knight. General plans: military facilities.

(1) The Planning and Zoning Law requires that a *city or county* general plan consist of various elements, including, among other things, land use, circulation, housing, open space, and conservation elements, which are required to meet specified requirements.

This bill would require the land use element to consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land or other territory adjacent to those military facilities, or

underlying designated military aviation routes and airspace. ~~The bill would also require the housing element to contain an analysis of the special housing needs of military personnel and their dependents.~~ The bill would, with respect to the open-space element, define open-space land to include areas adjacent to military installations, military training routes, and restricted airspace.

The bill would also require the circulation element to consist of the general location and extent of existing and proposed military ~~installations~~ *airports and ports*. The bill would also provide that a city or county is not required to comply with these provisions until a specified agreement is entered into between the federal government and the state to fully reimburse all claims approved by the Commission on State Mandates and paid by the Controller that cities and counties would be eligible to file as a result of the enactment of this bill and until the city's or county's next general plan revision. It would make these provisions inoperative on the January 1 following the date that this agreement is terminated.

By increasing the duties of local agency officials, the bill would impose a state-mandated local program.

(2) Existing law establishes the Governor's Office of Planning and Research as the comprehensive state planning agency, responsible for long-range planning with responsibilities to, among other things, provide planning assistance to city and county planning agencies. The office is required to develop and adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans.

This bill would require the office, on or before January 1, 2004, if sufficient federal funds become available, to prepare and publish an advisory planning handbook for local officials, planners, and builders, and to develop and adopt guidelines that, *among other things*, explain how to reduce land use conflicts between the effects of civilian development and military readiness activities carried out on specified military installations and areas.

(3) *Existing law requires a city or county to include a housing element in its general plan, and, for that purpose, prescribes criteria for determining the share of a city or county of the regional housing needs, including a requirement that the distribution of regional housing needs take into account, among other things, population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans.*



*This bill would require the Department of Finance to seek data from military installations on noninstallation housing demand for active-duty members of the Armed Forces and to incorporate this demand into the department's projections, as specified.*

(4) Existing law requires the California Public Utilities Commission to formulate a comprehensive land use plan that provides, among other things, for the orderly growth of public airports and the area surrounding the airport that is within the jurisdiction of the commission. The plan may include the area within the jurisdiction of the commission surrounding any federal military airport.

This bill instead would require that the area within the jurisdiction of the commission surrounding any military airport be included in the plan, and would require that the plan be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. The bill would also require that a county's general plan and any applicable specific plan be consistent with these safety and noise standards in each county where an airport land use commission does not exist, but where there is a military airport.

~~(4)~~

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) California contains an integrated system of military  
4 installations and special use airspace, connected by low-level  
5 flight corridors, that provides a key foundation for our nation's



1 security. This integrated system provides for the training of  
2 military personnel, as well as the research, development, testing,  
3 and evaluation of military hardware.

4 (2) The military is a key component of California's economy  
5 comprising direct economic expenditures of over  
6 \$29,800,000,000 each year, making the military larger than other  
7 economic sectors of the state, including agriculture, and the  
8 military represented over 263,000 working adults in the 2000–01  
9 fiscal year.

10 (3) The federal Department of Defense's research,  
11 development, test, and evaluation programs, which included  
12 \$3,900,000,000 in direct 2000–01 fiscal year contracts in  
13 California, make an important contribution to maintaining the  
14 state's lead in technology development.

15 (b) The Legislature therefore finds that the protection of this  
16 integrated system of military installations and special use airspace  
17 is in the public interest.

18 SEC. 1.5. Section 65040.2 of the Government Code is  
19 amended to read:

20 65040.2. (a) In connection with its responsibilities under  
21 subdivision (l) of Section 65040, the office shall develop and adopt  
22 guidelines for the preparation and content of the mandatory  
23 elements required in city and county general plans by Article 5  
24 (commencing with Section 65300) of Chapter 3. For purposes of  
25 this section, the guidelines prepared pursuant to Section 50459 of  
26 the Health and Safety Code shall be the guidelines for the housing  
27 element required by Section 65302. In the event that additional  
28 elements are hereafter required in city and county general plans by  
29 Article 5 (commencing with Section 65300) of Chapter 3, the  
30 office shall adopt guidelines for those elements within six months  
31 of the effective date of the legislation requiring those additional  
32 elements.

33 (b) The office may request from each state department and  
34 agency, as it deems appropriate, and the department or agency  
35 shall provide, technical assistance in readopting, amending, or  
36 repealing the guidelines.

37 (c) The guidelines shall be advisory to each city and county in  
38 order to provide assistance in preparing and maintaining their  
39 respective general plans.



1 (d) The guidelines shall contain the guidelines for addressing  
2 environmental justice matters developed pursuant to Section  
3 65040.12.

4 (e) *The guidelines shall contain advice including*  
5 *recommendations for best practices to allow for collaborative land*  
6 *use planning of adjacent civilian and military lands and facilities.*  
7 *The guidelines shall encourage enhanced land use compatibility*  
8 *between civilian lands and any adjacent or nearby military*  
9 *facilities through the examination of potential impacts upon one*  
10 *another.*

11 (f) The guidelines shall contain advice for addressing the  
12 effects of civilian development on military readiness activities  
13 carried out on all of the following:

- 14 (1) Military installations.
- 15 (2) Military operating areas.
- 16 (3) Military training areas.
- 17 (4) Military training routes.
- 18 (5) Military airspace.
- 19 (6) Other territory adjacent to those installations and areas.

20 ~~(f)~~  
21 (g) The office shall provide for regular review and revision of  
22 the guidelines established pursuant to this section.

23 SEC. 2. Section 65040.9 is added to the Government Code, to  
24 read:

25 65040.9. (a) On or before January 1, 2004, the Office of  
26 Planning and Research shall, if sufficient federal funds become  
27 available for this purpose, prepare and publish an advisory  
28 planning handbook for use by local officials, planners, and  
29 builders that explains how to reduce land use conflicts between the  
30 effects of civilian development and military readiness activities  
31 carried out on military installations, military operating areas,  
32 military training areas, military training routes, and military  
33 airspace, and other territory adjacent to those installations and  
34 areas.

35 (b) At a minimum, the advisory planning handbook shall  
36 include advice regarding all of the following:

- 37 (1) The collection and preparation of data and analysis.
- 38 (2) The preparation and adoption of goals, policies, and  
39 standards.



1 (3) The adoption and monitoring of feasible implementation  
2 measures.

3 (4) Methods to resolve conflicts between civilian and military  
4 land uses and activities.

5 (5) *Recommendations for cities and counties to provide drafts*  
6 *of general plan and zoning changes that may directly impact*  
7 *military facilities, and opportunities to consult with the military*  
8 *base personnel prior to approving development adjacent to*  
9 *military facilities.*

10 (c) In preparing the advisory planning handbook, the office  
11 shall collaborate with the Office of Military Base Retention and  
12 Reuse within the Trade, Technology, and Commerce Agency. The  
13 office shall consult with persons and organizations with  
14 knowledge and experience in land use issues affecting military  
15 installations and activities.

16 (d) The office may accept and expend any grants and gifts from  
17 any source, public or private, for the purposes of this section.

18 SEC. 3. Section 65302 of the Government Code is amended  
19 to read:

20 65302. The general plan shall consist of a statement of  
21 development policies and shall include a diagram or diagrams and  
22 text setting forth objectives, principles, standards, and plan  
23 proposals. The plan shall include the following elements:

24 (a) A land use element ~~which~~ *that* designates the proposed  
25 general distribution and general location and extent of the uses of  
26 the land for housing, business, industry, open space, including  
27 agriculture, natural resources, recreation, and enjoyment of scenic  
28 beauty, education, public buildings and grounds, solid and liquid  
29 waste disposal facilities, and other categories of public and private  
30 uses of land. The land use element shall include a statement of the  
31 standards of population density and building intensity  
32 recommended for the various districts and other territory covered  
33 by the plan. The land use element shall identify areas covered by  
34 the plan which are subject to flooding and shall be reviewed  
35 annually with respect to those areas. The land use element shall  
36 also do both of the following:

37 (1) Designate in a land use category that provides for timber  
38 production those parcels of real property zoned for timberland  
39 production pursuant to the California Timberland Productivity



1 Act of 1982, Chapter 6.7 (commencing with Section 51100) of  
2 Part 1 of Division 1 of Title 5.

3 (2) Consider the impact of new growth on military readiness  
4 activities carried out on military bases, installations, and operating  
5 and training areas, when proposing zoning ordinances or  
6 designating land uses covered by the general plan for land, or other  
7 territory adjacent to military facilities, or underlying designated  
8 military aviation routes and airspace.

9 (A) In determining the impact of new growth on military  
10 readiness activities, information provided by military facilities  
11 shall be considered. *Cities and counties shall address military*  
12 *impacts based on information that the military provides.*

13 (B) The following definitions govern this paragraph:

14 (i) “Military readiness activities” mean all of the following:

15 (I) Training, support, and operations that prepare the men and  
16 women of the military for combat.

17 (II) Operation, maintenance, and security of any military  
18 installation.

19 (III) Testing of military equipment, vehicles, weapons, and  
20 sensors for proper operation or suitability for combat use.

21 (ii) “Military installation” means a base, camp, post, station,  
22 yard, center, homeport facility for any ship, or other activity under  
23 the jurisdiction of the United States Department of Defense as  
24 defined in paragraph (1) of subsection (e) of Section 2687 of Title  
25 10 of the United States Code.

26 (b) A circulation element consisting of the general location and  
27 extent of existing and proposed major thoroughfares,  
28 transportation routes, terminals, any military ~~installation~~ *airports*  
29 *and ports*, and other local public utilities and facilities, all  
30 correlated with the land use element of the plan.

31 (c) A housing element as provided in Article 10.6  
32 (commencing with Section 65580).

33 (d) A conservation element for the conservation, development,  
34 and utilization of natural resources including water and its  
35 hydraulic force, forests, soils, rivers and other waters, harbors,  
36 fisheries, wildlife, minerals, and other natural resources. The  
37 conservation element shall consider the effect of ~~civilian~~  
38 ~~development on natural resources located on~~ *development within*  
39 *the jurisdiction, as described in the land use element, on natural*  
40 *resources located on public lands, including military installations.*



1 That portion of the conservation element including waters shall be  
2 developed in coordination with any countywide water agency and  
3 with all district and city agencies that have developed, served,  
4 controlled or conserved water for any purpose for the county or  
5 city for which the plan is prepared. Coordination shall include the  
6 discussion and evaluation of any water supply and demand  
7 information described in Section 65352.5, if that information has  
8 been submitted by the water agency to the city or county. The  
9 conservation element may also cover the following:

- 10 (1) The reclamation of land and waters.
- 11 (2) Prevention and control of the pollution of streams and other  
12 waters.
- 13 (3) Regulation of the use of land in stream channels and other  
14 areas required for the accomplishment of the conservation plan.
- 15 (4) Prevention, control, and correction of the erosion of soils,  
16 beaches, and shores.
- 17 (5) Protection of watersheds.
- 18 (6) The location, quantity and quality of the rock, sand and  
19 gravel resources.
- 20 (7) Flood control.

21 The conservation element shall be prepared and adopted no later  
22 than December 31, 1973.

23 (e) An open-space element as provided in Article 10.5  
24 (commencing with Section 65560).

25 (f) A noise element which shall identify and appraise noise  
26 problems in the community. The noise element shall recognize the  
27 guidelines established by the Office of Noise Control in the State  
28 Department of Health Services and shall analyze and quantify, to  
29 the extent practicable, as determined by the legislative body,  
30 current and projected noise levels for all of the following sources:

- 31 (1) Highways and freeways.
- 32 (2) Primary arterials and major local streets.
- 33 (3) Passenger and freight on-line railroad operations and  
34 ground rapid transit systems.
- 35 (4) Commercial, general aviation, heliport, helistop, and  
36 military airport operations, aircraft overflights, jet engine test  
37 stands, and all other ground facilities and maintenance functions  
38 related to airport operation.
- 39 (5) Local industrial plants, including, but not limited to,  
40 railroad classification yards.



1 (6) Other ground stationary noise sources, including, but not  
2 limited to, military installations, identified by local agencies as  
3 contributing to the community noise environment.

4 Noise contours shall be shown for all of these sources and stated  
5 in terms of community noise equivalent level (CNEL) or day-night  
6 average level ( $L_{dn}$ ). The noise contours shall be prepared on the  
7 basis of noise monitoring or following generally accepted noise  
8 modeling techniques for the various sources identified in  
9 paragraphs (1) to (6), inclusive.

10 The noise contours shall be used as a guide for establishing a  
11 pattern of land uses in the land use element that minimizes the  
12 exposure of community residents to excessive noise.

13 The noise element shall include implementation measures and  
14 possible solutions that address existing and foreseeable noise  
15 problems, if any. The adopted noise element shall serve as a  
16 guideline for compliance with the state's noise insulation  
17 standards.

18 (g) A safety element for the protection of the community from  
19 any unreasonable risks associated with the effects of seismically  
20 induced surface rupture, ground shaking, ground failure, tsunami,  
21 seiche, and dam failure; slope instability leading to mudslides and  
22 landslides; subsidence, liquefaction and other seismic hazards  
23 identified pursuant to Chapter 7.8 (commencing with Section  
24 2690) of the Public Resources Code, and other geologic hazards  
25 known to the legislative body; flooding; and wild land and urban  
26 fires. The safety element shall include mapping of known seismic  
27 and other geologic hazards. It shall also address evacuation routes,  
28 military installations, peakload water supply requirements, and  
29 minimum road widths and clearances around structures, as those  
30 items relate to identified fire and geologic hazards. Prior to the  
31 periodic review of its general plan and prior to preparing or  
32 revising its safety element, each city and county shall consult the  
33 Division of Mines and Geology of the Department of Conservation  
34 and the Office of Emergency Services for the purpose of including  
35 information known by and available to the department and the  
36 office required by this subdivision.

37 To the extent that a county's safety element is sufficiently  
38 detailed and contains appropriate policies and programs for  
39 adoption by a city, a city may adopt that portion of the county's



1 safety element that pertains to the city's planning area in  
2 satisfaction of the requirement imposed by this subdivision.

3 At least 45 days prior to adoption or amendment of the safety  
4 element, each county and city shall submit to the Division of Mines  
5 and Geology of the Department of Conservation one copy of a  
6 draft of the safety element or amendment and any technical studies  
7 used for developing the safety element. The division may review  
8 drafts submitted to it to determine whether they incorporate known  
9 seismic and other geologic hazard information, and report its  
10 findings to the planning agency within 30 days of receipt of the  
11 draft of the safety element or amendment pursuant to this  
12 subdivision. The legislative body shall consider the division's  
13 findings prior to final adoption of the safety element or  
14 amendment unless the division's findings are not available within  
15 the above prescribed time limits or unless the division has  
16 indicated to the city or county that the division will not review the  
17 safety element. If the division's findings are not available within  
18 those prescribed time limits, the legislative body may take the  
19 division's findings into consideration at the time it considers future  
20 amendments to the safety element. Each county and city shall  
21 provide the division with a copy of its adopted safety element or  
22 amendments. The division may review adopted safety elements or  
23 amendments and report its findings. All findings made by the  
24 division shall be advisory to the planning agency and legislative  
25 body.

26 SEC. 4. Section 65302.3 of the Government Code is amended  
27 to read:

28 65302.3. (a) The general plan, and any applicable specific  
29 plan prepared pursuant to Article 8 (commencing with Section  
30 65450), shall be consistent with the plan adopted or amended  
31 pursuant to Section 21675 of the Public Utilities Code.

32 (b) The general plan, and any applicable specific plan, shall be  
33 amended, as necessary, within 180 days of any amendment to the  
34 plan required under Section 21675 of the Public Utilities Code.

35 (c) If the legislative body does not concur with any provision  
36 of the plan required under Section 21675 of the Public Utilities  
37 Code, it may satisfy the provisions of this section by adopting  
38 findings pursuant to Section 21676 of the Public Utilities Code.

39 (d) In each county where an airport land use commission does  
40 not exist, but where there is a military airport, the general plan, and



1 any applicable specific plan prepared pursuant to Article 8  
2 (commencing with Section 65450), shall be consistent with the  
3 safety and noise standards in the Air Installation Compatible Use  
4 Zone prepared for that military airport.

5 SEC. 5. Section 65560 of the Government Code is amended  
6 to read:

7 65560. (a) "Local open-space plan" is the open-space  
8 element of a county or city general plan adopted by the board or  
9 council, either as the local open-space plan or as the interim local  
10 open-space plan adopted pursuant to Section 65563.

11 (b) "Open-space land" is any parcel or area of land or water  
12 that is essentially unimproved and devoted to an open-space use  
13 as defined in this section, and that is designated on a local, regional  
14 or state open-space plan as any of the following:

15 (1) Open space for the preservation of natural resources  
16 including, but not limited to, areas required for the preservation of  
17 plant and animal life, including habitat for fish and wildlife  
18 species; areas required for ecologic and other scientific study  
19 purposes; rivers, streams, bays and estuaries; areas adjacent to  
20 military installations, military training routes, and restricted  
21 airspace that can provide additional buffer zones to military  
22 activities and complement the resource values of the military  
23 lands; and coastal beaches, lakeshores, banks of rivers and  
24 streams, and watershed lands.

25 (2) Open space used for the managed production of resources,  
26 including but not limited to, forest lands, rangeland, agricultural  
27 lands and areas of economic importance for the production of food  
28 or fiber; areas required for recharge of ground water basins; bays,  
29 estuaries, marshes, rivers and streams which are important for the  
30 management of commercial fisheries; and areas containing major  
31 mineral deposits, including those in short supply.

32 (3) Open space for outdoor recreation, including but not  
33 limited to, areas of outstanding scenic, historic and cultural value;  
34 areas particularly suited for park and recreation purposes,  
35 including access to lakeshores, beaches, and rivers and streams;  
36 and areas which serve as links between major recreation and  
37 open-space reservations, including utility easements, banks of  
38 rivers and streams, trails, and scenic highway corridors.

39 (4) Open space for public health and safety, including, but not  
40 limited to, areas which require special management or regulation



1 because of hazardous or special conditions such as earthquake  
2 fault zones, unstable soil areas, flood plains, watersheds, areas  
3 presenting high fire risks, areas required for the protection of water  
4 quality and water reservoirs and areas required for the protection  
5 and enhancement of air quality.

6 SEC. 6. Section 65583 of the Government Code is amended  
7 to read:

8 65583. The housing element shall consist of an identification  
9 and analysis of existing and projected housing needs and a  
10 statement of goals, policies, quantified objectives, financial  
11 resources, and scheduled programs for the preservation,  
12 improvement, and development of housing. The housing element  
13 shall identify adequate sites for housing, including rental housing,  
14 factory-built housing, and mobilehomes, and shall make adequate  
15 provision for the existing and projected needs of all economic  
16 segments of the community. The element shall contain all of the  
17 following:

18 (a) An assessment of housing needs and an inventory of  
19 resources and constraints relevant to the meeting of these needs.  
20 The assessment and inventory shall include all of the following:

21 (1) An analysis of population and employment trends and  
22 documentation of projections and a quantification of the locality's  
23 existing and projected housing needs for all income levels. These  
24 existing and projected needs shall include the locality's share of the  
25 regional housing need in accordance with Section 65584.

26 (2) An analysis and documentation of household  
27 characteristics, including level of payment compared to ability to  
28 pay, housing characteristics, including overcrowding, and housing  
29 stock condition.

30 (3) An inventory of land suitable for residential development,  
31 including vacant sites and sites having potential for  
32 redevelopment, and an analysis of the relationship of zoning and  
33 public facilities and services to these sites.

34 (4) An analysis of potential and actual governmental  
35 constraints upon the maintenance, improvement, or development  
36 of housing for all income levels and for persons with disabilities  
37 as identified in the analysis pursuant to paragraph (4) of  
38 ~~subdivision (a) (6)~~, including land use controls, building codes  
39 and their enforcement, site improvements, fees and other  
40 exactions required of developers, and local processing and permit



1 procedures. The analysis shall also demonstrate local efforts to  
2 remove governmental constraints that hinder the locality from  
3 meeting its share of the regional housing need in accordance with  
4 Section 65584 and from meeting the need for housing for persons  
5 with disabilities identified pursuant to paragraph (6).

6 (5) An analysis of potential and actual nongovernmental  
7 constraints upon the maintenance, improvement, or development  
8 of housing for all income levels, including the availability of  
9 financing, the price of land, and the cost of construction.

10 (6) An analysis of any special housing needs, such as those of  
11 the elderly, persons with disabilities, large families, ~~military~~  
12 ~~personnel and their dependents~~, farmworkers, families with  
13 female heads of households, and families and persons in need of  
14 emergency shelter.

15 (7) An analysis of opportunities for energy conservation with  
16 respect to residential development.

17 (8) An analysis of existing assisted housing developments that  
18 are eligible to change from low-income housing uses during the  
19 next 10 years due to termination of subsidy contracts, mortgage  
20 prepayment, or expiration of restrictions on use. “Assisted  
21 housing developments,” for the purpose of this section, shall mean  
22 multifamily rental housing that receives governmental assistance  
23 under federal programs listed in subdivision (a) of Section  
24 65863.10, state and local multifamily revenue bond programs,  
25 local redevelopment programs, the federal Community  
26 Development Block Grant Program, or local in-lieu fees.  
27 “Assisted housing developments” shall also include multifamily  
28 rental units that were developed pursuant to a local inclusionary  
29 housing program or used to qualify for a density bonus pursuant  
30 to Section 65916.

31 (A) The analysis shall include a listing of each development by  
32 project name and address, the type of governmental assistance  
33 received, the earliest possible date of change from low-income use  
34 and the total number of elderly and nonelderly units that could be  
35 lost from the locality’s low-income housing stock in each year  
36 during the 10-year period. For purposes of state and federally  
37 funded projects, the analysis required by this subparagraph need  
38 only contain information available on a statewide basis.

39 (B) The analysis shall estimate the total cost of producing new  
40 rental housing that is comparable in size and rent levels, to replace



1 the units that could change from low-income use, and an estimated  
2 cost of preserving the assisted housing developments. This cost  
3 analysis for replacement housing may be done aggregately for  
4 each five-year period and does not have to contain a  
5 project-by-project cost estimate.

6 (C) The analysis shall identify public and private nonprofit  
7 corporations known to the local government which have legal and  
8 managerial capacity to acquire and manage these housing  
9 developments.

10 (D) The analysis shall identify and consider the use of all  
11 federal, state, and local financing and subsidy programs which can  
12 be used to preserve, for lower income households, the assisted  
13 housing developments, identified in this paragraph, including, but  
14 not limited to, federal Community Development Block Grant  
15 Program funds, tax increment funds received by a redevelopment  
16 agency of the community, and administrative fees received by a  
17 housing authority operating within the community. In considering  
18 the use of these financing and subsidy programs, the analysis shall  
19 identify the amounts of funds under each available program which  
20 have not been legally obligated for other purposes and which could  
21 be available for use in preserving assisted housing developments.

22 (b) (1) A statement of the community's goals, quantified  
23 objectives, and policies relative to the maintenance, preservation,  
24 improvement, and development of housing.

25 (2) It is recognized that the total housing needs identified  
26 pursuant to subdivision (a) may exceed available resources and the  
27 community's ability to satisfy this need within the content of the  
28 general plan requirements outlined in Article 5 (commencing with  
29 Section 65300). Under these circumstances, the quantified  
30 objectives need not be identical to the total housing needs. The  
31 quantified objectives shall establish the maximum number of  
32 housing units by income category that can be constructed,  
33 rehabilitated, and conserved over a five-year time period.

34 (c) A program which sets forth a five-year schedule of actions  
35 the local government is undertaking or intends to undertake to  
36 implement the policies and achieve the goals and objectives of the  
37 housing element through the administration of land use and  
38 development controls, provision of regulatory concessions and  
39 incentives, and the utilization of appropriate federal and state  
40 financing and subsidy programs when available and the utilization



1 of moneys in a low- and moderate-income housing fund of an  
2 agency if the locality has established a redevelopment project area  
3 pursuant to the Community Redevelopment Law (Division 24  
4 (commencing with Section 33000) of the Health and Safety Code).  
5 In order to make adequate provision for the housing needs of all  
6 economic segments of the community, the program shall do all of  
7 the following:

8 (1) (A) Identify adequate sites which will be made available  
9 through appropriate zoning and development standards and with  
10 services and facilities, including sewage collection and treatment,  
11 domestic water supply, and septic tanks and wells, needed to  
12 facilitate and encourage the development of a variety of types of  
13 housing for all income levels, including multifamily rental  
14 housing, factory-built housing, mobilehomes, housing for  
15 agricultural employees, emergency shelters, and transitional  
16 housing in order to meet the community's housing goals as  
17 identified in subdivision (b).

18 (i) Where the inventory of sites, pursuant to paragraph (3) of  
19 subdivision (a), does not identify adequate sites to accommodate  
20 the need for groups of all household income levels pursuant to  
21 Section 65584, the program shall provide for sufficient sites with  
22 zoning that permits owner-occupied and rental multifamily  
23 residential use by right, including density and development  
24 standards that could accommodate and facilitate the feasibility of  
25 housing for very low and low-income households.

26 (ii) Where the inventory of sites pursuant to paragraph (3) of  
27 subdivision (a) does not identify adequate sites to accommodate  
28 the need for farmworker housing, the program shall provide for  
29 sufficient sites to meet the need with zoning that permits  
30 farmworker housing use by right, including density and  
31 development standards that could accommodate and facilitate the  
32 feasibility of the development of farmworker housing for low- and  
33 very low income households.

34 (B) For purposes of this paragraph, the phrase "use by right"  
35 shall mean the use does not require a conditional use permit, except  
36 when the proposed project is a mixed-use project involving both  
37 commercial or industrial uses and residential uses. Use by right for  
38 all rental multifamily residential housing shall be provided in  
39 accordance with subdivision (f) of Section 65589.5.



1 (C) The requirements of this subdivision regarding  
2 identification of sites for farmworker housing shall apply  
3 commencing with the next revision of housing elements required  
4 by Section 65588 following the enactment of this subparagraph.

5 (2) Assist in the development of adequate housing to meet the  
6 needs of low- and moderate-income households.

7 (3) Address and, where appropriate and legally possible,  
8 remove governmental constraints to the maintenance,  
9 improvement, and development of housing, including housing for  
10 all income levels and housing for persons with disabilities. The  
11 program shall remove constraints to, or provide reasonable  
12 accommodations for housing designed for, intended for  
13 occupancy by, or with supportive services for, persons with  
14 disabilities.

15 (4) Conserve and improve the condition of the existing  
16 affordable housing stock, which may include addressing ways to  
17 mitigate the loss of dwelling units demolished by public or private  
18 action.

19 (5) Promote housing opportunities for all persons regardless of  
20 race, religion, sex, marital status, ancestry, national origin, color,  
21 familial status, or disability.

22 (6) (A) Preserve for lower income households the assisted  
23 housing developments identified pursuant to paragraph (8) of  
24 subdivision (a). The program for preservation of the assisted  
25 housing developments shall utilize, to the extent necessary, all  
26 available federal, state, and local financing and subsidy programs  
27 identified in paragraph (8) of subdivision (a), except where a  
28 community has other urgent needs for which alternative funding  
29 sources are not available. The program may include strategies that  
30 involve local regulation and technical assistance.

31 (B) The program shall include an identification of the agencies  
32 and officials responsible for the implementation of the various  
33 actions and the means by which consistency will be achieved with  
34 other general plan elements and community goals. The local  
35 government shall make a diligent effort to achieve public  
36 participation of all economic segments of the community in the  
37 development of the housing element, and the program shall  
38 describe this effort.

39 (d) The analysis and program for preserving assisted housing  
40 developments required by the amendments to this section enacted



1 by the Statutes of 1989 shall be adopted as an amendment to the  
2 housing element by July 1, 1992.

3 (e) Failure of the department to review and report its findings  
4 pursuant to Section 65585 to the local government between July  
5 1, 1992, and the next periodic review and revision required by  
6 Section 65588, concerning the housing element amendment  
7 required by the amendments to this section by the Statutes of 1989,  
8 shall not be used as a basis for allocation or denial of any housing  
9 assistance administered pursuant to Part 2 (commencing with  
10 Section 50400) of Division 31 of the Health and Safety Code.

11 SEC. 7. *Section 65584 of the Government Code is amended*  
12 *to read:*

13 65584. (a) (1) For the purposes of subdivision (a) of Section  
14 65583, the share of a city or county of the regional housing needs  
15 includes that share of the housing need of persons at all income  
16 levels within the area significantly affected by a general plan of the  
17 city or county. ~~The~~

18 (2) *The* distribution of regional housing needs shall, based  
19 upon available data, take into consideration market demand for  
20 housing, employment opportunities, the availability of suitable  
21 sites and public facilities, commuting patterns, type and tenure of  
22 housing need, the loss of units contained in assisted housing  
23 developments, as defined in paragraph (8) of subdivision (a) of  
24 Section 65583, that changed to non-low-income use through  
25 mortgage prepayment, subsidy contract expirations, or  
26 termination of use restrictions, and the housing needs of  
27 farmworkers. The distribution shall seek to reduce the  
28 concentration of lower income households in cities or counties that  
29 already have disproportionately high proportions of lower income  
30 households. ~~Based~~

31 (3) *Based* upon population projections produced by the  
32 Department of Finance and regional population forecasts used in  
33 preparing regional transportation plans, and in consultation with  
34 each council of governments, the Department of Housing and  
35 Community Development shall determine the regional share of the  
36 statewide housing need at least two years prior to the second  
37 revision, and all subsequent revisions as required pursuant to  
38 Section 65588. ~~Based~~

39 (4) *Based* upon data provided by the department relative to the  
40 statewide need for housing, each council of governments shall



1 determine the existing and projected housing need for its region.  
2 Within 30 days following notification of this determination, the  
3 department shall ensure that this determination is consistent with  
4 the statewide housing need. The department may revise the  
5 determination of the council of governments if necessary to obtain  
6 this consistency. The appropriate council of governments shall  
7 determine the share for each city or county consistent with the  
8 criteria of this subdivision and with the advice of the department  
9 subject to the procedure established pursuant to subdivision (c) at  
10 least one year prior to the second revision, and at five-year  
11 intervals following the second revision pursuant to Section 65588.  
12 The council of governments shall submit to the department  
13 information regarding the assumptions and methodology to be  
14 used in allocating the regional housing need. As part of the  
15 allocation of the regional housing need, the council of  
16 governments, or the department pursuant to subdivision (b), shall  
17 provide each city and county with data describing the assumptions  
18 and methodology used in calculating its share of the regional  
19 housing need. The department shall submit to each council of  
20 governments information regarding the assumptions and  
21 methodology to be used in allocating the regional share of the  
22 statewide housing need. As part of its determination of the regional  
23 share of the statewide housing need, the department shall provide  
24 each council of governments with data describing the assumptions  
25 and methodology used in calculating its share of the statewide  
26 housing need. The councils of governments shall provide each city  
27 and county with the department's information. ~~The~~

28 (5) *The* council of governments shall provide a subregion with  
29 its share of the regional housing need, and delegate responsibility  
30 for providing allocations to cities and a county or counties in the  
31 subregion to a subregional entity if this responsibility is requested  
32 by a county and all cities in the county, a joint powers authority  
33 established pursuant to Chapter 5 (commencing with Section  
34 6500) of Division 7 of Title 1, or the governing body of a  
35 subregional agency established by the council of governments, in  
36 accordance with an agreement entered into between the council of  
37 governments and the subregional entity that sets forth the process,  
38 timing, and other terms and conditions of that delegation of  
39 responsibility.



1 (b) For areas with no council of governments, the department  
2 shall determine housing market areas and define the regional  
3 housing need for cities and counties within these areas pursuant to  
4 the provisions for the distribution of regional housing needs in  
5 subdivision (a). If the department determines that a city or county  
6 possesses the capability and resources and has agreed to accept the  
7 responsibility, with respect to its jurisdiction, for the identification  
8 and determination of housing market areas and regional housing  
9 needs, the department shall delegate this responsibility to the cities  
10 and counties within these areas.

11 (c) (1) Within 90 days following a determination of a council  
12 of governments pursuant to subdivision (a), or the department's  
13 determination pursuant to subdivision (b), a city or county may  
14 propose to revise the determination of its share of the regional  
15 housing need in accordance with the considerations set forth in  
16 subdivision (a). The proposed revised share shall be based upon  
17 available data and accepted planning methodology, and supported  
18 by adequate documentation.

19 (2) Within 60 days after the time period for the revision by the  
20 city or county, the council of governments or the department, as  
21 the case may be, shall accept the proposed revision, modify its  
22 earlier determination, or indicate, based upon available data and  
23 accepted planning methodology, why the proposed revision is  
24 inconsistent with the regional housing need.

25 (A) If the council of governments or the department, as the case  
26 may be, does not accept the proposed revision, then the city or  
27 county shall have the right to request a public hearing to review the  
28 determination within 30 days.

29 (B) The city or county shall be notified within 30 days by  
30 certified mail, return receipt requested, of at least one public  
31 hearing regarding the determination.

32 (C) The date of the hearing shall be at least 30 days from the  
33 date of the notification.

34 (D) Before making its final determination, the council of  
35 governments or the department, as the case may be, shall consider  
36 comments, recommendations, available data, accepted planning  
37 methodology, and local geological and topographical restraints on  
38 the production of housing.

39 (3) If the council of governments or the department accepts the  
40 proposed revision or modifies its earlier determination, the city or



1 county shall use that share. If the council of governments or the  
2 department grants a revised allocation pursuant to paragraph (1),  
3 the council of governments or the department shall ensure that the  
4 current total housing need is maintained. If the council of  
5 governments or the department indicates that the proposed  
6 revision is inconsistent with the regional housing need, the city or  
7 county shall use the share that was originally determined by the  
8 council of governments or the department.

9 (4) The determination of the council of governments or the  
10 department, as the case may be, shall be subject to judicial review  
11 pursuant to Section 1094.5 of the Code of Civil Procedure.

12 (5) The council of governments or the department shall reduce  
13 the share of regional housing needs of a county if all of the  
14 following conditions are met:

15 (A) One or more cities within the county agree to increase its  
16 share or their shares in an amount that will make up for the  
17 reduction.

18 (B) The transfer of shares shall only occur between a county  
19 and cities within that county.

20 (C) The county's share of low-income and very low income  
21 housing shall be reduced only in proportion to the amount by  
22 which the county's share of moderate- and above  
23 moderate-income housing is reduced.

24 (D) The council of governments or the department, whichever  
25 assigned the county's share, shall have authority over the approval  
26 of the proposed reduction, taking into consideration the criteria of  
27 subdivision (a).

28 (6) The housing element shall contain an analysis of the factors  
29 and circumstances, with all supporting data, justifying the  
30 revision. All materials and data used to justify any revision shall  
31 be made available upon request by any interested party within  
32 seven days upon payment of reasonable costs of reproduction  
33 unless the costs are waived due to economic hardship.

34 (d) (1) Except as provided in paragraph (2), any ordinance,  
35 policy, or standard of a city or county that directly limits, by  
36 number, the building permits that may be issued for residential  
37 construction, or limits for a set period of time the number of  
38 buildable lots that may be developed for residential purposes, shall  
39 not be a justification for a determination or a reduction in the share  
40 of a city or county of the regional housing need.



1 (2) Paragraph (1) does not apply to any city or county that  
2 imposes a moratorium on residential construction for a specified  
3 period of time in order to preserve and protect the public health and  
4 safety. If a moratorium is in effect, the city or county shall, prior  
5 to a revision pursuant to subdivision (c), adopt findings that  
6 specifically describe the threat to the public health and safety and  
7 the reasons why construction of the number of units specified as  
8 its share of the regional housing need would prevent the mitigation  
9 of that threat.

10 (e) Any authority to review and revise the share of a city or  
11 county of the regional housing need granted under this section  
12 shall not constitute authority to revise, approve, or disapprove the  
13 manner in which the share of the city or county of the regional  
14 housing need is implemented through its housing program.

15 (f) A fee may be charged to interested parties for any additional  
16 costs caused by the amendments made to subdivision (c) by  
17 Chapter 1684 of the Statutes of 1984 reducing from 45 to 7 days  
18 the time within which materials and data shall be made available  
19 to interested parties.

20 (g) *In preparing its population projections pursuant to*  
21 *paragraph (4) of subdivision (a), the Department of Finance shall*  
22 *do both of the following:*

23 (1) *Seek data from military installations on housing demand for*  
24 *active-duty members of the Armed Forces beyond the inventory of*  
25 *housing maintained by the installation.*

26 (2) *Incorporate that housing demand data into population*  
27 *projections provided for use in the housing element of a city or*  
28 *county general plan.*

29 (h) Determinations made by the department, a council of  
30 governments, or a city or county pursuant to this section are  
31 exempt from the California Environmental Quality Act, Division  
32 13 (commencing with Section 21000) of the Public Resources  
33 Code.

34 *SEC. 7.5.* Section 21675 of the Public Utilities Code is  
35 amended to read:

36 21675. (a) Each commission shall formulate a  
37 comprehensive land use plan that will provide for the orderly  
38 growth of each public airport and the area surrounding the airport  
39 within the jurisdiction of the commission, and will safeguard the  
40 general welfare of the inhabitants within the vicinity of the airport



1 and the public in general. The commission plan shall include and  
2 shall be based on a long-range master plan or an airport layout  
3 plan, as determined by the Division of Aeronautics of the  
4 Department of Transportation, that reflects the anticipated growth  
5 of the airport during at least the next 20 years. In formulating a land  
6 use plan, the commission may develop height restrictions on  
7 buildings, specify use of land, and determine building standards,  
8 including soundproofing adjacent to airports, within the planning  
9 area. The comprehensive land use plan shall be reviewed as often  
10 as necessary in order to accomplish its purposes, but shall not be  
11 amended more than once in any calendar year.

12 (b) The commission shall include, within its plan formulated  
13 pursuant to subdivision (a), the area within the jurisdiction of the  
14 commission surrounding any military airport for all of the  
15 purposes specified in subdivision (a). The plan shall be consistent  
16 with the safety and noise standards in the Air Installation  
17 Compatible Use Zone prepared for that military airport. This  
18 subdivision does not give the commission any jurisdiction or  
19 authority over the territory or operations of any military airport.

20 (c) The planning boundaries shall be established by the  
21 commission after hearing and consultation with the involved  
22 agencies.

23 (d) The commission shall submit to the Division of  
24 Aeronautics of the department one copy of the plan and each  
25 amendment to the plan.

26 (e) If a comprehensive land use plan does not include the  
27 matters required to be included pursuant to this article, the  
28 Division of Aeronautics of the department shall notify the  
29 commission responsible for the plan.

30 SEC. 8. (a) A city or county shall not be required to comply  
31 with the amendments made by this act to Sections 65302, 65302.3,  
32 65560, and 65583 of the Government Code, relating to military  
33 readiness activities, military personnel, military airports, and  
34 military installations, until both of the following occur:

35 (1) An agreement is entered into between the United States  
36 Department of Defense or other federal agency and the State of  
37 California, through the Governor's Office of Planning and  
38 Research, for the federal government to fully reimburse all claims  
39 approved by the Commission on State Mandates and paid by the



1 Controller that cities and counties would be eligible to file as a  
2 result of the enactment of this act.

3 (2) The city or county undertakes its next general plan revision.

4 (b) The amendments made by this act to Sections 65302,  
5 65302.2, 65560, and 65583 of the Government Code shall become  
6 inoperative on the January 1 following the date that the Director  
7 of Planning and Research executes a declaration stating that the  
8 agreement described in paragraph (1) of subdivision (a) has been  
9 terminated by either party.

10 SEC. 9. Notwithstanding Section 17610 of the Government  
11 Code, if the Commission on State Mandates determines that this  
12 act contains costs mandated by the state, reimbursement to local  
13 agencies and school districts for those costs shall be made pursuant  
14 to Part 7 (commencing with Section 17500) of Division 4 of Title  
15 2 of the Government Code. If the statewide cost of the claim for  
16 reimbursement does not exceed one million dollars (\$1,000,000),  
17 reimbursement shall be made from the State Mandates Claims  
18 Fund.

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